



EPA Region 5 Records Ctr.



295538

September 28, 2005

By Certified Mail 7001 1940 0003 5275 9599
Return Receipt Requested

Linda Mangrum
U.S. Environmental Protection Agency
Remedial Enforcement Support Section
77 W. Jackson Blvd, SR-6J
Chicago, IL 60604-3590

Re: Residential portion of USS Lead Site, 5300 Kennedy Avenue
Response to CERCLA Section 104(e) Information Request
by Pollution Control Industries

Dear Ms. Mangrum:

This letter responds to Thomas C. Mark's letter dated August 17, 2005, seeking information relating to the above Site. This response is made by Pollution Control Industries, Inc, a Delaware corporation ("Respondent") as the entity most knowledgeable about the operations at 4343 Kennedy Avenue from 1986 to present and is timely submitted pursuant to the requested response date of September 30, 2005, which date is pursuant to an extension granted by Mr. Steven Kaiser, Assistant Regional Counsel to Respondent's legal counsel, Steven Jay Katz.

Preliminary Statement

The addressee of the Request for Information was an Illinois corporation organized in 1986, and involuntarily dissolved in 1993. Pollution Control Industries, Inc is a separate corporation and is undertaking to assist the EPA in the investigation of the Site with this voluntary response as the entity currently most familiar with the operations at the Facility (4343 Kennedy Avenue, East Chicago, Indiana).

Insofar as both Respondent and the addressee of the Request for Information are or were permitted TSDs, full responses to many of the questions would be overly burdensome and not likely to lead to information reasonably calculated to lead to the discovery of relevant evidence. For example, Request No. 11 would require a voluminous response given Respondent's monitoring program. However, Respondent does not monitor for lead, and accordingly, any reply would not lead to the discovery of relevant evidence. Where appropriate, responses so indicate limitations of this nature.

Pollution Control Industries

4343 Kennedy Avenue, East Chicago, IN 46312
(219) 397-3951 FAX: (219) 397-6411
www.pollutioncontrol.com



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This response is given without prejudice to Respondent's right to produce evidence of any subsequently discovered facts, documents or interpretations thereof or to modify, change or amend this response. The information set forth in this response is true and correct to the knowledge of Respondent as of this date and is subject to correction for errors, mistakes or omissions. A reference contained in a specific response incorporates both the information and the objections set forth in the referenced response. Production of any document or information does not waive any objection to the admission of such document or information into evidence. All responses are made without waiving or being estopped to challenge EPA's allegations regarding Respondent's involvement at the site.

General Objections to Instructions and Definitions

Respondent objects to the proposed definition of "document" as being overly broad and therefore unduly burdensome. In making its response, Respondent has defined a responsive "document" as comprising both "writings and recording" and "photograph" as those terms are defined in Federal Rule of Evidence ' 1001.

General Objections to Requests for Information

Respondent makes the following general objections, which are incorporated into each and every response to this Information Request: Respondent objects to the Information Request to the extent that it calls for the production of any document or information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, that was prepared in anticipation of litigation or for trial, or that is otherwise immune from discovery.

Specific Objections to Requests for Information Regarding Residential Portion of 5300 Kennedy Avenue

Respondent makes the following general objections, which are incorporated into each and every response to this Information Request: Respondent is not a person defined in CERCLA Section 107(a) with respect to said real estate, nor, to the knowledge of Respondent, does there exist any evidence to the contrary.

Response to Requests for Information Regarding Residential Portion of 5300 Kennedy Avenue

Request No. 1. Identify all persons consulted in the preparation of the answers to these questions.

Response to Request No. 1:

Ms. Tita LaGrimas
Pollution Control Industries, Inc.
4343 Kennedy Avenue
East Chicago, Indiana 46312
(219) 397-3951

Request No. 2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions, and provide copies of all such documents.

Response to Request No. 2: None

Request No. 3. If you have reason to believe that there may be persons able to provide a more detailed or more complete response to any question in this Information Request or who may be able to provide additional responsive documents, identify such persons.

Response to Request No. 3. No such person.

Request No. 4. List your EPA Identification Numbers.

Response to Request No. 4. IND 000 646943

Request No. 5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants that may have migrated to or been deposited upon the Site.

Response to Request No. 5: No knowledge of any such act or omission.

Request No. 6. Identify all persons, including current and former employees of Pollution Control Industries of America, Inc. (herein after, "the Company") located at 4343 Kennedy Avenue (herein after, "the Facility"), East Chicago, Indiana and its contractors and subcontractors, having knowledge or information about the generation, transportation, treatment, placement, disposal, or other handling of hazardous substances, at the Facility, or the migration or disposal of hazardous substances at the Site.

Response to Request No. 6: Respondent objects to the above request as being overbroad. The Facility is a TSD (see response to question 8), and accordingly each and every employee would have knowledge as to "... the generation, transportation, treatment, placement, disposal, or other handling of hazardous substances, at the Facility...".

Without waiving the above objection, Respondent states that neither Respondent nor any of the Request for Information has ever treated or stored in the course of business or otherwise, does not emit lead in excess of the quantity permitted in its permit, and has done no business with USS Lead at any time, and accordingly Respondent further states that there is no current or former employee known to Respondent as to the migration or disposal of hazardous substances at the Site

Request No. 7 Please identify the years of operations for the Pollution Control Industries of America, Inc. facility located in East Chicago, Indiana.

Response to Request No. 7: Pollution Control Industries of America, Inc: 1986 – 1991; Pollution Control Industries of Indiana, 1991 – 1993; Pollution Control Industries, Inc 1993 to present.

Request No. 8 Please describe in general terms the production processes performed by the Company at the Facility.

Response to Request No. 8: Both Respondent (Pollution Control Industries, Inc, and the addressee of the Request for Information (Pollution Control Industries of America) treat and dispose of hazardous and non hazardous waste pursuant to all appropriate permits. Neither company disposed of waste at the Facility, or in any of the surrounding area. At all times processed waste was sent off site from the facility to be used as supplemental fuel in kilns and incinerators, or for appropriate disposal in landfills approved for the type of waste there shipped. At no time did either business treat or dispose of materials containing a significant quantity of lead.

Request No. 9: Please identify any permits issued by either the United States Environmental Protection Agency or the Indiana Department of Environmental Management that govern the type or quantity of air emissions by the Company at the Facility.

Response to Request No. 9: Title V Pending 089-21209-00345; SDS Minor Mod #089 18513-00345)

Request No. 10: Please state whether the Company used lead or lead-containing materials in the production process. Please provide the following:

- A. A description of how the Company used lead or lead-containing materials in the process;
- B. The years during which the Company used lead or lead-containing materials in the production process;
- C. The quantities of lead or lead-containing materials the Company used annually in the production process;
- D. A description of the processing capacity or throughput of the process using lead or lead-containing materials;
- E. An estimate of the volume of lead-containing material emitted annually into the air.

Response to Request No. 10: Neither Respondent (Pollution Control Industries, Inc, nor the addressee of the Request for Information (Pollution Control Industries of America) used lead or lead-containing materials in the production process.

Request No. 11: Please state whether the Company monitored air emissions from the Facility. If the Company did monitor air emissions from the Facility, please provide the following:

- A. A description of the type of air monitoring performed;

- B. A description of the years during which the Company performed air emissions monitoring;
- C. A description of the results of the air emissions monitoring;
- D. The identity of the person or persons who performed the air emissions monitoring;
- E. A copy of any reports, memoranda, notes, letters or documents referencing the air emissions monitoring or summarizing the results of the air emissions monitoring.

Response to Request No. 11: Neither Respondent (Pollution Control Industries, Inc, nor the addressee of the Request for Information (Pollution Control Industries of America) monitored air emissions from the Facility for lead or lead-containing materials. Although both companies engaged in significant monitoring activities, the documentation to further answer the request would be unduly burdensome and would not lead to the discovery of relevant evidence.

Response to Request No. 12: Please state whether the Company has observed air emissions at the Facility that resulted in a non-attainment event. If the Company has observed air emissions that resulted in a non-attainment event, please provide the following:

- A. The date and time of the non-attainment event;
- B. The type of emission that caused the non attainment event;
- C. The duration of the non-attainment event;
- D. An estimate of the volume of material released into the air between the time the non-attainment event began and the time it took for the Company to restore operations to attain compliance with air emissions limits;
- E. A description of the manner in which the Company determined that a non-attainment event had occurred, and
- F. A description of the steps taken by the Company to restore operations to attain compliance with air emissions limits.

Response to Request No. 12: Neither Respondent (Pollution Control Industries, Inc, nor the addressee of the Request for Information (Pollution Control Industries of America) observed air emissions at the Facility that resulted in a non-attainment event which involved lead or lead-containing materials. Although both companies observed air emissions at the Facility that resulted in a non-attainment events not involving lead, the documentation to further answer the request would be unduly burdensome and would not lead to the discovery of relevant evidence.

Request No. 13 Please state whether the Company caused or allowed materials located or generated within the boundaries of the Facility to be used as fill material at a location or locations beyond the boundaries of the Facility. If the Company did cause or allow materials

located or generated within the boundaries of the Facility to be used as fill material at a location or locations beyond the boundaries of the Facility, please provide the following:

- A. A description of when materials were removed from the Facility to be used as fill;
- B. A description of the type and volume of material removed from the Facility to be used as fill; and
- C. A description of the location or locations where materials located or generated within the boundaries of the Facility were placed for use as fill material.

Response to Request No. 13: Neither Respondent (Pollution Control Industries, Inc, nor the addressee of the Request for Information (Pollution Control Industries of America) caused or allowed materials located or generated within the boundaries of the Facility to be used as fill material at a location or locations beyond the boundaries of the Facility. Although both companies engaged in shipment of processed waste for appropriate land disposal, no disposal location was at all proximate to the 5300 Kennedy Site. The documentation to further answer the request would be unduly burdensome and would not lead to the discovery of relevant evidence.

Certification of Answers to Request for Information

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (Response to EPA Request for Information) and all documents submitted herewith, are that based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.


Tina LaGrimas

Sworn to before me this

28th day of September, 2005


Notary Public

Terry A. Fish
SEAL Notary Public SEAL
Lake County, Indiana
My Commission Expires 9/26/2007

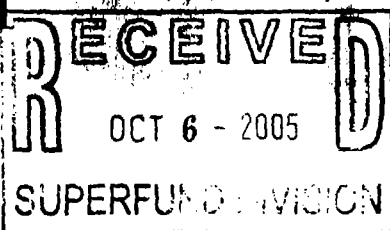


Pollution Control Industries

4343 Kennedy Avenue, East Chicago, IN 46312

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